

Samuel Stotts

Boudjerada v City of Eugene

June 30, 2021



CC REPORTING AND VIDEOCONFERENCING
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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

HASHEEM BOUDJERADA; DAMON) No. 6:20-cv-1265-MK
COCHRAN-SALINAS; ERIN GRADY;)
TYLER HENDRY; and KIRTIS)
RANESBOTTOM,)
Plaintiffs,)
v.)
CITY OF EUGENE; SARAH MEDARY;)
WILLIAM SOLESBEE; SAMUEL STOTTS;))
BO RANKIN; TRAVIS PALKI; MICHAEL)
CASEY; ANTHONY VIOTTO; and RYAN)
UNDERWOOD,)
Defendants.)

DEPOSITION OF SAMUEL STOTTS

June 30, 2021

Wednesday

2:04 P.M.

1 THE DEPOSITION OF SAMUEL STOTTS was taken
2 at the Eugene Police Department, 300 Country Club
3 Road, Kilcullen Conference Room, Eugene, Oregon,
4 before Sara Fahey Wilson, CSR, Certified Shorthand
5 Reporter in and for the State of Oregon and
6 Washington.

7
8 APPEARANCES

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APPEARANCES

(Continued)

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Reported by:

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Samuel Stotts

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None.

1 THE VIDEOGRAPHER: Okay. We are on
2 the record. Today is Wednesday, June 30th, 2021.
3 The time is 2:04 p.m.

4 This is the deposition of Samuel
5 Stotts in the matter of Boudjerada, et al., versus
6 City of Eugene, et al.

7 Our court reporter is Sara Fahey
8 Wilson. My name is Claire Maederer, and I am CC
9 Reporting's remote video technician.

10 At this time I'd like to ask counsel
11 to identify themselves and who they represent, and
12 then the reporter will swear in the witness.

13 MS. DUGAN: Marianne Dugan for the
14 plaintiffs.

15 MR. MILLER: Ben Miller for the
16 defendants.

17
18 SAMUEL STOTTS,
19 having been first duly sworn to testify the truth,
20 the whole truth, and nothing but the truth, was
21 examined and testified as follows:

22 / / /

23 / / /

24 / / /

25 / / /

EXAMINATION

BY MS. DUGAN:

Q. Good afternoon.

A. Hello.

Q. Is it Sergeant Stotts?

A. Yes.

Q. Okay.

And what's your middle name?

A. Edwin.

Q. And you sat through the deposition of
Officer Rankin. Correct?

A. I did.

Q. Are there any factors like medication that
could affect your memory or your ability to
understand questions?

A. No, ma'am.

Q. Okay.

If you don't understand one of my
questions, please let me know and I'll try to
rephrase it.

A. Okay.

Q. If you are going to say yes or no in an
answer, please nod your head or shake your head so
the -- don't nod your head or shake your head -- so
the court reporter gets it down.

1 A. Okay.

2 Q. Did you review any documents to prepare
3 for today's deposition?

4 A. Yes.

5 Q. What did you review?

6 A. The interrogatories, if I pronounced that
7 correctly --

8 Q. Right.

9 A. -- and my police report.

10 Q. Okay.

11 Did you look at your body cam footage?

12 A. Bits and pieces, yes.

13 Q. Do you remember which parts?

14 A. Parts of some of the contacts and arrests.

15 Q. Okay.

16 What is your current job title?

17 A. I'm a patrol sergeant.

18 Q. With the EPD?

19 A. Yes.

20 Q. And how long have you been with EPD?

21 A. Since 2011.

22 Q. What was your job title when you were
23 hired?

24 A. A patrol officer.

25 Q. And when did you become sergeant?

1 A. About three years ago.

2 Q. Who promoted you, or who was involved with
3 that?

4 A. The chief at that time, I believe it was
5 our interim chief that we had. It was before
6 Skinner arrived.

7 Q. Okay. All right.

8 And have you been a police officer
9 anywhere else?

10 A. No.

11 Q. What other jobs have you had in your
12 career?

13 A. I was a loss prevention manager. I worked
14 shipping and receiving. And my parents own a
15 janitorial service so I worked as a janitor.

16 Q. Okay.

17 Where did you do loss prevention?

18 A. In Redding, California, at Idaho Falls,
19 Idaho.

20 Q. Do you have any professional licenses?

21 A. What do you mean?

22 Q. A contractor? A teacher? Nothing like
23 that?

24 A. No, no, no contractor. No teacher.

25 Q. Okay.

1 Are you on any boards of directors?

2 A. For -- no, no, I'm not.

3 Q. Do you have a -- any post high school
4 degrees?

5 A. No.

6 Q. Have you had any training in any legal
7 issues involving protesters? First Amendment
8 rights?

9 A. What do you mean "legal issues"? You said
10 training in legal issues.

11 Q. Right. The Constitutional rights of
12 protesters?

13 A. Oh, yeah.

14 Q. Tell me about that.

15 A. Well, we've received training for
16 Constitutional rights, search and seizure.

17 Q. So the Constitutional rights of
18 protesters, First Amendment, have you had that sort
19 of training?

20 A. I don't recall that title.

21 Q. Okay.

22 Do you recall the subject?

23 A. Well, we've -- I've had training for
24 Constitutional rights. I don't recall any of the
25 specific details --

1 Q. Well --

2 A. Do you have a specific class you want to
3 ask me about?

4 Q. First Amendment, the rights of protesters?

5 A. Not that I can recall right now.

6 Q. Okay. Thank you.

7 Do you have any text messages or notes --
8 handwritten notes -- about the events of May 29th to
9 June 1st of 2020?

10 A. No, ma'am.

11 Q. Okay.

12 Have you had training in de-escalation
13 tactics?

14 A. Yes.

15 Q. Tell me about that.

16 A. We've received training on how to speak
17 with people in the public; how to try to ascertain
18 if they are having a mental episode or maybe on
19 narcotics, how to recognize that; how to try
20 different tactics and give people opportunities to
21 calm down themselves or bring in other services, if
22 we can, to try to calm them down.

23 Q. And, let's see, have you had any trainings
24 from Officer -- Sergeant Solesbee?

25 A. He's the supervisor for our training

1 department.

2 Q. So has he given you direct -- has he
3 himself given you trainings?

4 A. Not that I recall -- you mean like him
5 standing next to me and telling me what to do?

6 Q. Yes.

7 A. Not that I recall. As a supervisor that's
8 -- usually I'm with a training officer who is giving
9 me some type of direction.

10 Q. Have you been involved with Chief
11 Skinner's goal of "21st Century policing," as he's
12 called it?

13 A. What do you mean being "involved"?

14 Q. Has he engaged you in any way in helping
15 make that happen?

16 A. I don't have any meetings personally with
17 Skinner -- or Chief. He comes to in-service and he
18 would brief us on what different plans, different
19 things are, but I haven't attended any meetings or
20 been part of any conference call, or anything like
21 that.

22 Q. Okay.

23 Have you had any recent, in the last, say,
24 two years, training in when and how to use kneeling
25 on somebody's body as a use of force?

1 A. We have defensive tactics training. I
2 don't recall the last date that I attended. It
3 would be in my training record. If you have that
4 handy, we can look at that.

5 Q. Has any of that type of training changed
6 since the killing of George Floyd?

7 A. That our DT has changed?

8 Q. Uh-huh.

9 A. I don't recall -- I don't do the
10 curriculum for the DT training. That would be for
11 the DT team to state if something has changed or
12 not.

13 Q. But, I mean, you haven't yourself heard --
14 been told, We're going to give you guys new training
15 based on things we've learned from --

16 A. I have -- no, nobody has come out and said
17 to me, "Hey, we have a new training." We show up to
18 training and they show us what they want to train us
19 in and we go from there.

20 Q. Have you been trained to know the elements
21 of what constitutes riot?

22 A. I've seen that, yeah, because it's part of
23 the statute that we -- that we have to enforce.

24 Q. And do you recall the elements as you sit
25 here?

1 A. When I go to that, I bring out my legal
2 book, and that's what I refer to when I go in. That
3 way I have -- we cover those elements there. So
4 many people and different acts that have to be
5 performed.

6 THE WITNESS: Is that too fast?

7 THE REPORTER: It's quiet for some
8 reason. I don't know what it is. You guys are
9 not --

10 THE WITNESS: Sorry.

11 MS. DUGAN: You might be under the --

12 THE REPORTER: Maybe so, yeah.

13 THE WITNESS: I apologize.

14 MS. DUGAN: -- air conditioner.

15 THE WITNESS: I thought for a second I
16 might be talking too fast. I'll slow down.

17 BY MS. DUGAN:

18 Q. On May 31st, 2020, do you recall seeing
19 anybody you thought was engaged in riot?

20 A. I think there was a lot of activity like
21 that out there, yeah.

22 Q. You saw it yourself?

23 A. Yeah.

24 Q. Give me an example.

25 A. Well, there were -- I saw windows being

1 broken, and there were people that were tumultuous
2 in the streets and disorderly.

3 Q. Where was that?

4 A. Various parts of the city. I don't recall
5 exactly where.

6 Q. At 12th and Patterson did you observe any
7 riot?

8 A. I don't recall offhand exactly. Like, the
9 exact location, that's what I was just saying -- the
10 exact location it was at.

11 Q. Between Whole Foods and 12th and
12 Patterson, that period of time when there were a
13 group of people traveling from Whole Foods to 12th
14 and Patterson, did you observe anything you would
15 call riot?

16 A. I don't -- I don't recall if I saw it in
17 that moment. That's what I just said. In that area
18 I don't recall if it was there.

19 Q. If you had, you would have written it in a
20 police report?

21 A. Potentially. That's what the video
22 footage is for to capture all that to go back later.

23 Q. As an EPD officer and then a sergeant,
24 have you had any training in how to guard yourself
25 against racial bias?

1 A. Guard myself against it?

2 Q. Uh-huh.

3 A. What do you mean?

4 Q. To know how to recognize it and try to
5 make sure it doesn't happen?

6 A. Yes. I've received training for that,
7 yes.

8 Q. When was that?

9 A. I don't recall the dates, but I remember
10 that we've received that training.

11 Q. Do you remember who trained you?

12 A. I don't recall who that was, no.

13 Q. Do you remember --

14 A. It would be in the form.

15 Q. Do you remember what it would be called on
16 the form?

17 A. I don't know. DPSST is the one that puts
18 the titles for those training forms, and it's not
19 always what I would think the name would be. I've
20 gone to trainings and I'm like, Wait a minute, I
21 didn't think it was called that. But I don't know
22 what DPSST would call the title.

23 Q. Okay.

24 Do you recall any racial discrimination
25 training in the last couple years -- two years?

1 A. Not specific dates, no.

2 Q. But you think it might have happened?

3 A. Potentially.

4 Q. Have you ever before had to work -- other
5 than May 30th -- or May 29th to June 1st, 2020, have
6 you ever been involved in enforcing a city-wide
7 curfew?

8 A. No. I think that was the only time.

9 Q. Have you been involved in enforcing any
10 curfew, even local -- localized?

11 A. There's some juvenile curfew ordinances
12 that we have in the city, but that would be the --
13 that would have been the only case I can think of.

14 Q. Had you ever arrested anybody for a curfew
15 violation before?

16 A. I don't recall. I don't recall.

17 Q. Did you get any training from the EPD
18 itself in how to enforce a curfew violation?

19 A. What do you mean? Like a class before
20 they went into effect?

21 Q. Yeah. Or a list of dos and don'ts,
22 protocols, guidelines, policies?

23 A. Well, we had the instruction of what --
24 when the curfew went into effect, what would
25 constitute a violation of that.

1 Q. Okay.

2 And what --

3 A. That was what the -- like, list we have of
4 what the exceptions would be.

5 Q. Okay.

6 So you were just -- you were given the
7 actual administrative order with the list of
8 exceptions?

9 A. Yes.

10 Q. And were you given any other guidance on
11 how to know people were heading home as opposed to
12 not heading home?

13 A. I don't recall any of those specific
14 conversations right now.

15 Q. Were you told to use your discretion in
16 figuring that out, or just nothing at all? You
17 weren't told anything?

18 A. Well, one thing about a police officer is
19 that we have an ordinance, we use our discretion
20 daily. We talk to people and we try to ascertain,
21 and then you make a decision off the information you
22 have at hand.

23 Q. And so the people you encountered near
24 12th and Patterson -- you know, I watched your body
25 cam video and there were some folks you told they

1 were under arrest and there's some folks you didn't,
2 you walked right by, and how did you make that
3 distinction?

4 A. I don't recall right now what was in my
5 head in that moment of why one person or not. Some
6 people are on private property or near what would be
7 private property that that wouldn't apply or other
8 potential exceptions they may have that I might have
9 perceived. I don't remember what my perceptions
10 were.

11 If you have a specific person you'd like
12 me to watch in the video, I could try to look at
13 that for you and say, but I don't recall right now.

14 Q. Well, I'll let you watch the video on your
15 own but --

16 A. Okay.

17 Q. -- I'll give you a hypothetical from the
18 video, what I saw, and -- which is as you're going
19 after Penny Grady -- Erin Grady, who is the woman
20 who wanted to take people's names -- do you remember
21 her?

22 A. Yeah. I don't know if I'd say going after
23 her.

24 Q. You were walking towards her and she was
25 walking down the sidewalk. Do you remember that?

1 MR. MILLER: Object to the form of
2 the question. Object, misstates the facts in
3 evidence --

4 BY MS. DUGAN:

5 Q. Forget the video. I'm just --

6 MR. MILLER: Let me make my objections
7 on the record.

8 MS. DUGAN: I withdraw the question.

9 MR. MILLER: Please don't interrupt.
10 Okay.

11 BY MS. DUGAN:

12 Q. All right.

13 So what you recollect from that night,
14 including watching the body cam -- part of your body
15 cam footage -- do you recall going to arrest Erin
16 Grady?

17 A. Yes.

18 Q. And when you walked toward her, do you
19 recall walking past a couple people?

20 A. Are you talking about the first time I
21 walked towards her or the second time?

22 Q. The second time.

23 A. Okay. Well, the reason for the second
24 time was because of the interactions from the first
25 time. But if you're wanting to skip to that, I

1 don't recall offhand some of the people that I
2 walked past.

3 I do remember seeing the video there were
4 a couple that were near an apartment. I don't
5 recall if they were on the grass, or on the
6 property, or on the sidewalk.

7 Q. Do you recall losing your body cam camera?

8 A. Yeah. I think when she spun to turn away,
9 her backpack knocked my camera off my uniform.

10 Q. Do you remember somebody telling you where
11 it was?

12 A. Yes.

13 Q. And where was that person standing when
14 they told you that?

15 A. Well, the person that I recall was
16 standing in the doorway of an apartment that was
17 standing there. Because they said they saw somebody
18 pick it up and throw it into the bushes, and they
19 lived there.

20 Q. Do you remember the address?

21 A. I don't recall.

22 Q. Do you remember somebody on the street
23 with a mask on as you walked by headed toward Erin
24 Grady?

25 A. I don't recall, no.

1 Q. Who lifted his hand like (indicating)
2 this?

3 A. I don't recall.

4 Q. So on May 31st were you the head of a
5 team?

6 A. I was a sergeant. I was assigned to go
7 out, yes.

8 Q. What was the name of your team? Did it
9 have a number?

10 A. I don't recall. It could have been 1, 2,
11 or A, or B, or I don't recall.

12 Q. Team 6?

13 A. Could have been. We had multiple nights
14 of these.

15 Q. Okay.

16 The team number would change depending --
17 I mean, it's not a team that's a standardized --

18 A. Correct.

19 Q. -- list of people?

20 A. That probably was the first and only time
21 I've had that number, so it's -- yeah.

22 Q. Okay.

23 Were you the only sergeant on that team?

24 A. Maybe. I don't recall. Some nights we
25 had two sergeants. Because I remember one night I

1 had a sergeant -- another sergeant in the vehicle
2 with me -- but I don't recall if that was that
3 night.

4 Q. Okay.

5 And how many people -- how many officers
6 did you have on your team?

7 A. It varied. Sometimes it was four.
8 Sometimes it was six. Sometimes it was me and one
9 other person. Sometimes there's teams of two, so it
10 varies.

11 Q. So you don't remember at the time you
12 arrested Ms. Grady who was on your team?

13 A. I don't recall, no, how many total.

14 Q. And how did you communicate with your
15 team?

16 A. Verbally. Sometimes direct or with a
17 radio.

18 Q. Radio? So if you were in the car it was
19 by radio?

20 A. Sometimes we had teams that were in
21 different vehicles so then that would be radio. The
22 people in the car it would just be verbally.

23 Q. Right.

24 A. Yeah.

25 Q. Okay.

1 And who was your superior on the evening
2 of May 31st, 2020?

3 A. If I recall correctly, I believe that
4 would have been Lieutenant Salsbury, but it's -- I
5 believe so.

6 Q. And how would you communicate with
7 Lieutenant Salsbury?

8 A. Via radio or -- yeah, probably radio
9 because everybody heard it.

10 Q. What was the other option?

11 A. Sometimes it would have been personally,
12 but I don't think that I was in close proximity to
13 him. Some events later on -- I don't think that it
14 was that night -- he was on scene with us so it
15 would have been verbally.

16 Q. Okay.

17 And was Lieutenant Salsbury one of the
18 incident commanders?

19 A. He might have had that title. I don't
20 recall it.

21 Q. Do you remember what the command
22 objectives were for that night?

23 A. To try to keep people safe, keep the city
24 safe. Persons are our first priority and then
25 property after that.

1 Q. Do you remember if -- what the event
2 objectives were?

3 A. Not exactly. We've, again, had numerous
4 events since then, and which one to say verbatim, I
5 would, I'm sure, get it wrong.

6 Q. Do you remember anything in the command
7 intent or event objective of allowing the community
8 to exercise their Constitutional rights?

9 A. Yeah, possibly. I don't recall. If you
10 have it in front of you, I can review that if you'd
11 like.

12 Q. Well, I mean, this is just a summary.
13 This is Dr. -- Doctor -- Sergeant Ryan Nelson's
14 incident review so I'm not sure that's going to help
15 you kind of post hoc?

16 A. And I don't think he was there.

17 Q. Yeah, he wasn't.

18 And do you recall the rules of engagement
19 for that evening?

20 A. Not offhand, no.

21 Q. Do you recall any distinction between
22 allowing people to be on sidewalks as opposed to on
23 the streets?

24 A. Not offhand, no.

25 Q. So what vehicle were you in? Were you in

1 a marked police car?

2 A. I believe I was in a marked SUV, I
3 believe, yes.

4 Q. Let's see.

5 Did you yourself have any gas -- tear gas,
6 pepper balls, or other projectile?

7 A. I wasn't pepper ball trained or anything
8 at that time. I don't have any projectiles we
9 throw, or --

10 Q. Okay.

11 What was your understanding of how the
12 process went of getting a city-wide curfew in
13 effect?

14 A. Honestly, I have no idea. That's way
15 above what I do as a sergeant. I apologize but,
16 yeah, I don't have any input with that, or nobody
17 came to ask me anything about that.

18 Q. Oh, I didn't think you were going to have
19 ant control over it, but what's your understanding
20 of how it happened?

21 A. That it was a directive given by city
22 management, and we followed it.

23 Q. And who asked for it? Was at the chief?

24 A. Oh, that I don't know. I don't know.

25 Q. All right.

1 And did you have in-car video in your --

2 A. I believe mine functioned, yes.

3 Q. And your body cam, was it on earlier in
4 the day in addition to the part that I have which is
5 later in the evening?

6 A. It could have been. It just depends on
7 the contact. It's only required to be on when
8 you're in certain conditions, so it may have been
9 on. It may not have been on.

10 Q. Okay.

11 What are the conditions for when you're --

12 A. If we're going to make an arrest, if we're
13 going to detain somebody, that kind of stuff, then
14 we turn them on.

15 Q. Okay.

16 Do you know how the time on the recording
17 -- and this is not about yours. It's about somebody
18 else's -- how that could be wrong, the actual day --
19 time of day?

20 A. I couldn't say to what that is. I have no
21 idea. I don't have access to any of that. We, as
22 officers, can't change that. That's all an
23 Axon-controlled environment so I have no idea.

24 Q. Okay.

25 So the May 31st daytime event was a

1 planned protest. Correct?

2 A. I don't recall. It could have been.

3 Q. You don't recall being briefed on that
4 beforehand?

5 A. I don't recall if it was a planned
6 protest, if it was a spontaneous thing. Like I
7 said, we had several that came that we -- I've had
8 numerous protests that I've dealt with since then so
9 I don't recall which one that was.

10 Q. Right. Okay.

11 So May 31st doesn't stand out for you at
12 all in your memory compared to May 29th, 30th, June
13 1st?

14 A. Well, I worked all of them so there's
15 memories from each one, and they were all very
16 similar of things being thrown at you, and things
17 that are said, and things that were done, so they
18 kind of meld. So to say -- I do recall certain
19 events, so I recall arresting the people that were
20 walking up to us and interjecting in what we were
21 doing when we were doing our job, but I don't recall
22 some of the segregation to that of what event --
23 like, what briefing was which or who said what what
24 day. That would be very different for me a year and
25 a half ago on top of three days that were very

1 intense and very dynamic.

2 Q. How long were you on duty that day?

3 A. Oh, I don't recall. What was -- the time
4 of arrest was around 11:00?

5 Q. Yeah.

6 A. I started my shift at 9:30.

7 Q. 9:30 p.m.?

8 A. Uh-huh. Sorry. Yes. I said "uh-huh." I
9 wasn't supposed to do that.

10 Q. That's okay.

11 Let's see. Was your team that night
12 called the rapid response team? Would that have
13 been one --

14 A. The official name for Eugene has kind of
15 changed. I think they used to call it a crowd
16 control team back in the day, but that kind of isn't
17 here anymore so I don't -- I don't know what the
18 name was that night. We didn't have an official
19 response team. I think people just call it
20 different things for what they hear.

21 Q. Okay.

22 It wasn't -- sorry -- the crimes unit, was
23 it?

24 A. No. That's completely different. That's
25 an established team of team members that never

1 changes. That's who they are.

2 Q. Okay. All right.

3 Did you interact with Sergeant Solesbee
4 that evening at all?

5 A. Not that I recall. I'm not part of that
6 unit or anything.

7 Q. All right.

8 What's your memory of when and how the
9 city-wide curfew was announced?

10 A. We received direction over the radio that
11 it would be enforced at a certain time, and we began
12 making announcements, some of which from our own
13 car, some of which from other vehicles.

14 Q. Let's back up.

15 So you don't recall the time -- like, how
16 soon house before 11:00 --

17 A. Oh, I don't recall, no, exactly, no.
18 Because, again, it was multiple nights. It happened
19 -- I don't recall which night started at which time.

20 Q. You don't recall -- were you involved in
21 making sure the public knew that it had been
22 expanded to city-wide?

23 A. I -- I believe I even made announcements
24 that that had been -- that had been taking effect.
25 I know I did. Which night that was of those three I

1 don't recall, but I do have memory of using my own
2 PA and announcing to the people around me that that
3 had been pushed to city-wide. I don't recall which
4 night that was.

5 Q. And do you recall what the instruction was
6 to the public to do?

7 A. To leave.

8 Q. To leave? To go --

9 A. Leave the area.

10 Q. -- go home?

11 A. Yeah. Sorry.

12 Q. Leave what area? Not leave the city?

13 A. Well, they would have to leave the city if
14 they don't live in the city.

15 Q. Okay.

16 A. Or, yes, return to their residence.

17 Q. Okay.

18 And how were you determining who was
19 returning to their residence and who wasn't?

20 A. Well, that depended on our interactions I
21 had. I can't make that determination for every
22 person we saw that night.

23 Q. Okay.

24 So do you remember Mr. Boudjerada, or
25 Mr. Hendry, or Mr. McClain? Do you remember any of

1 them?

2 A. I actually don't know who they are,
3 offhand. I'd have to -- I'm better with faces than
4 I am with names, so if I saw their face I could have
5 probably a better recollection but -- and I don't
6 know where they live so I couldn't tell you.

7 Q. But if they said they were going home, how
8 would you determine they weren't going home?

9 A. I'd have to either talk to them or find
10 out what they may or may not be doing, or where they
11 are going, or maybe how often you've seen them, or
12 since the announcements had been given where they
13 were going.

14 Q. Okay.

15 So at 12th and Patterson on your body cam
16 you are, at times, going from officer to officer who
17 are each having custody of someone who has been told
18 that they are under arrest.

19 Had you seen any of those people earlier
20 in the evening?

21 A. Well, I don't recall. Not right now. I
22 mean, potentially, but I don't recall a year and a
23 half later.

24 Q. Well, you watched your body cam videos?

25 A. I watched bits and piece of it. I didn't

1 watch all of it. So I don't know if --

2 Q. Okay.

3 A. -- so-and-so was on a video 20 minutes
4 earlier or five minutes earlier.

5 Q. Well, they weren't on the video? I'm
6 saying did you -- when you watched the body cam, did
7 you say, "Oh, yeah, I remember seeing that guy
8 earlier"?

9 A. Like I say, I don't recall. I could have.

10 Q. Who did you personally arrest other than
11 Ms. Grady, if anybody?

12 A. I don't recall. I mean, there were some
13 people that I helped detain or stop, but I think the
14 only one that I wrote a PC affidavit for and
15 arrested was Ms. Grady.

16 Q. And do you remember who you assisted with
17 arresting? You don't remember that?

18 A. No.

19 Q. Okay.

20 Did anybody -- did you observe anybody
21 resisting arrest?

22 A. Not that I recall offhand, but I don't
23 recall -- no, I don't recall offhand.

24 (Pause.)

25 Q. Well, let's look at your interrogatories

1 and the police report.

2 MS. DUGAN: Start with 1 again?

3 THE REPORTER: Yes.

4 (Deposition Exhibits 1 and
5 2 marked for identification.)

6 BY MS. DUGAN:

7 Q. So you have Exhibit 1 and Exhibit 2?

8 A. Yes, I do.

9 Q. Okay. All right.

10 So let's look at Exhibit 2 first, the
11 police report.

12 (Pause.)

13 So the first sentence you say
14 (reading): I was supervising a rapid
15 response team.

16 So is that -- I guess that's what it was
17 called at the time?

18 A. They were probably calling it that, yeah.

19 Q. Okay.

20 What did that mean? What is a rapid
21 response team?

22 A. They -- I think they just use the
23 terminology from other cities that have an actual
24 team that is set in place to respond to events. At
25 this time we didn't have an official team in the

1 City of Eugene.

2 Q. Were your -- were you and your team given
3 training on how to act as a rapid response team?

4 A. No, not as an official certified rapid
5 response team, no.

6 Q. Why don't you go ahead read this if you
7 haven't already. I know you read it yesterday, but
8 let me know if you want to read it all the way
9 through again.

10 A. Oh, out loud or just read to myself?

11 Q. No, to yourself.

12 A. Oh, got you. No, I think I'm okay. If
13 you have a specific area you want me to review --

14 Q. Well, so, I may be wrong but I don't see
15 mention in here of the curfew being made city-wide?

16 A. Well, just that (reading): We made
17 numerous announcements throughout the city
18 to inform citizens of the curfew.

19 Q. Yeah, but that was -- that comes right
20 after the discussion of the curfew that started at
21 9:00, which you then -- which I guess you're
22 inaccurately saying that it was city-wide at 9:00?

23 A. Well, that we had put in place between the
24 hours of 9:00 p.m. to 6:00 a.m. I think that was
25 kind of encompassed to know -- the first part was

1 the downtown area and then it got expanded. I guess
2 it doesn't have that clarification. Is what you're
3 asking?

4 Q. Yeah. It was confusing. I see --

5 A. Oh, I apologize.

6 Q. Okay. I guess you're saying -- okay.

7 So you began to encounter protesters that
8 refused to leave the area. Okay. And then you --
9 then Ms. Grady and her companion approached you?

10 A. Correct.

11 Q. (Reading): It was evident they were
12 not seeking emergency care, fleeing
13 dangerous circumstances, sheltering in
14 place, traveling to and from employment,
15 or making commercial deliveries?

16 A. Correct.

17 Q. When they started walking away, I know
18 that Ms. Grady did yell back one more time that she
19 would like the arrestee's information?

20 A. Correct.

21 Q. But isn't it true that when you approached
22 her to arrest her she was walking down the sidewalk
23 away from the arrest scene?

24 A. Well, I'm sure once she started to see me
25 come to her direction that she turned, then, to get

1 away to maybe turn and walk away, yes.

2 Q. But by then she had already violated the
3 law?

4 A. Well, she actually violated the curfew
5 back when I contacted her the first time --

6 Q. Right.

7 A. -- and I had to give her numerous
8 instructions repeatedly. If you watched the video,
9 I'm sure you heard that, heard that I repeated
10 instructions to leave, that she was violating
11 curfew, and she didn't want to have anything to do
12 with that and continued what she wanted, and we
13 could have arrested her right there.

14 Q. Uh-huh.

15 A. So do you agree to that?

16 Q. And then you allowed her to walk away?

17 A. Correct.

18 Q. And then she was walking away when you
19 arrested her. Is that correct?

20 A. When she then turned and reengaged and
21 continued, which was then demonstrating to me that
22 she's not going to be able to follow direction we
23 were giving. She was already given that opportunity
24 once. She was allowed to leave, basically given a
25 warning, and then she's reengaging, at that point

1 we're not going to continue to have this throughout.
2 I made the determination that I was going to arrest
3 her, yes. Probable cause I had.

4 Q. So you write that they were standing on
5 the edge of the roadway between a row of parked cars
6 and vehicle traffic that was trying to pass by.

7 Isn't it true that when you arrested them,
8 when you physically contacted them, they were on the
9 sidewalk?

10 A. By the time I got to them, yes.

11 Q. So why is it relevant to write down that
12 they were crossing the street and they were on the
13 edge of the roadway between the parked cars and the
14 vehicle traffic?

15 A. Part of my police report is to give an
16 overview of what's happening. When I turned around,
17 that's where I saw them so I documented that.

18 Q. Okay.

19 So vehicle traffic that was trying to pass
20 by, was that problematic? Was it causing a problem?

21 A. It could be.

22 Q. It could be, but was it?

23 A. Well, I don't know. I wasn't in those
24 cars that were trying to pass by, but it could be
25 for those drivers that are trying to pass by in the

1 dark and people in dark clothing. And blocking
2 vehicular traffic is a crime. It's disorderly
3 conduct.

4 Q. And how did you determine those cars were
5 not violating the curfew?

6 A. I didn't contact the cars.

7 Q. How did you know who to stop and who not
8 to stop?

9 A. At this point I was -- my focus was
10 Ms. Grady because she was engaging with us, and she
11 had already violated the curfew. We gave her a
12 warning to allow her to leave. She chose to
13 reengage us, and that's when I made the
14 determination I was going to arrest her for that. I
15 had probable cause to arrest her initially that I
16 warned her on, and at this point I made the decision
17 I was going to arrest her, and that was the decision
18 so I was moving to do that. And then the rest of
19 that is to show what the conditions were when I'm
20 going to make that arrest.

21 Q. The conditions being you're implying
22 there's some danger there to the public?

23 A. Well, of course there is.

24 THE REPORTER: I'm sorry. You guys
25 are going way too fast.

1 THE WITNESS: Oh, sorry. Sorry about
2 that.

3 BY MS. DUGAN:

4 Q. You end by saying (reading): It was
5 apparent the females were continuing to
6 violate the emergency curfew order and had
7 no intention to leave.

8 Wasn't it true that they were walking away
9 on the sidewalk when you arrested them?

10 A. When I made contact, that's -- they were
11 on the sidewalk. When they began to yell at us and
12 reengage us, they were not on the sidewalk.

13 Q. We're talking about your last sentence --

14 A. Yeah. But I'm clarifying that for you.

15 Q. -- that they had no intention to leave.
16 That wasn't true at the time you arrested them, is
17 it?

18 MR. MILLER: Objection. Calls for
19 speculation on their intention.

20 BY MS. DUGAN:

21 Q. Well, that's what you're having to do is
22 speculate about people's intention. That's the
23 whole thing that's going on here.

24 MR. MILLER: Object to the form of the
25 question if there is a question.

1 BY MS. DUGAN:

2 Q. There is a question.

3 How did you determine what their intent
4 was?

5 A. I determined --

6 Q. At the time -- at the time you contacted
7 them physically?

8 A. Well, I think there's a separation there.
9 So at the time --

10 Q. Well, we've already talked about --

11 A. Hang on. I'm trying to answer and you
12 interrupted me.

13 Q. I'm clarifying my question because you
14 want to go back to the earlier part --

15 A. No, I'm not.

16 Q. -- that we already talked about.

17 MR. MILLER: Wait. Let her -- let her
18 keep interrupting, and then I will make my
19 objection, and then you can answer.

20 BY MS. DUGAN:

21 Q. All right.

22 So to clarify my question, I'm talking
23 about the point of contact. When you contacted them
24 physically, how did you determine that they had no
25 intention to leave?

1 A. Okay. Thank you. So what I was trying to
2 refer to is when I turned around and saw them, they
3 weren't on the sidewalk.

4 Q. I know.

5 A. But I can't --

6 Q. We've already discussed that. I'm talking
7 about the point of physical contact.

8 MR. MILLER: He wasn't done answering
9 his question. Please stop interrupting the witness.

10 MS. DUGAN: He's not answering the
11 question.

12 A. If you let me finish, I'll explain it to
13 you why, but you interrupt before I can get to that
14 point.

15 What I'm trying to say is when I turn
16 around, they are in the street. I can't
17 tele-transport to her, so it took me probably 30
18 seconds to walk to her. In those 30 seconds, she
19 turned away and began to walk and got on the
20 sidewalk.

21 If I would have been able to transport,
22 then, yes, ma'am, I would have contacted her right
23 there still in the street and I would have taken her
24 into custody before she walked and got onto the
25 sidewalk.

1 That's what I've been trying to explain to
2 you.

3 BY MS. DUGAN:

4 Q. Let me ask you another question since you
5 don't seem to understand what I'm trying to ask.

6 A. Okay.

7 Q. What I'm trying to ask is when you decide
8 to arrest somebody and then you go to effect --
9 effectuate that arrest --

10 A. Uh-huh.

11 Q. -- and the arrest is based on a clear lack
12 of intention to leave, is it not fair to ask whether
13 they -- their intention has now changed and they are
14 leaving? Why are you, then, arresting them?

15 A. The crime was committed.

16 Q. The crime of not intending to leave?

17 A. No. The crime of violating the curfew was
18 committed. They had already violated it by the time
19 I contacted them the first time. I could have
20 arrested them the first time I made contact.

21 I gave them several warnings, and during
22 that conversation they never made any comment of,
23 "I'm trying to go home. I'm trying to leave," so
24 there's no input given to me that they are trying to
25 leave.

1 It's, "No. I want to talk to them. I
2 want their information."

3 And it's, "No, you can't have that."

4 "No, but I want it."

5 "No, but you can't have it."

6 "No, but I want it. I really want it."

7 That's the contact I'm having. That's
8 telling me they have no intent to leave. And I
9 further clarified, "You can't have it. You're in
10 violation. You need to leave," to the point to
11 where the security guards for the hospital on the
12 sidewalk were laughing at them that they weren't
13 getting it.

14 I still allowed them to leave. I allowed
15 them to turn and leave. And if they would have left
16 and never reengaged, they never would have got
17 arrested that night. I turned --

18 Q. But they could have -- go ahead.

19 A. -- back around and went back to my other
20 duties, walking 15, 20 feet away. They reengage.

21 Q. Verbally?

22 A. They turned back around. Stop there.
23 Leave. When I turn around, she's not walking away.
24 She's stopped, facing me, calling out again. That's
25 not walking away. That's stopped.

1 That tells me I've already had this
2 engagement with them. I've already instructed them.
3 I've already warned them, that I didn't have to do,
4 and she is reengaging. I made the determination
5 right then and there, I am not going to keep having
6 this throughout the night. I don't have the
7 resources to keep dealing with people over and over
8 again. She was given the ability to leave and
9 she's not following it. I am placing her under
10 arrest. I have that authority. And I did so.

11 Q. And you arrested her companion as well?

12 A. Yes.

13 Q. Who did not reengage verbally with you?

14 A. She was with her and she was participating
15 in that, yes.

16 Q. Do you remember the guy who was holding
17 some sort of energy drink and a cigarette and said
18 he was media, and you said, "Show me your
19 credentials"?

20 A. Oh, I actually do recall that. And told
21 him he needed to leave, and he turned around and
22 left.

23 Q. Right.

24 And you said, "Good luck, buddy." Why
25 didn't you arrest him?

1 A. Because I gave him the warning like I gave
2 her.

3 Q. Okay.

4 A. I allowed them both to leave.

5 I'm glad you brought this up. There's a
6 difference. What did he do? He turned and left.

7 He didn't reengage me. He didn't come track me
8 down. He come didn't come try again. And he left.

9 She walks away. She reengages. I made an
10 arrest.

11 Q. All right.

12 So now let's talk about Mr. Boudjerada,
13 Mr. Hendry, and Mr. McClain. At some point in your
14 video -- your body cam video -- you discuss, "We got
15 the aggressors." Do you remember that?

16 A. I don't recall that offhand, no.

17 Q. How much of your video did you watch
18 yesterday?

19 A. Like I said, the contacts for the arrest I
20 made.

21 Q. Did you watch the part where you go around
22 high-fiving your officers saying, "We got the
23 aggressors. Good job"?

24 A. I could have. I don't recall.

25 Q. Do you remember thinking that a certain

1 group was aggressors that night?

2 A. I don't recall which ones were the
3 aggressors.

4 Q. Do you recall thinking some people were
5 aggressors that night?

6 A. I don't recall thinking who were the
7 aggressors, no.

8 Q. That wasn't my question.

9 Do you recall thinking there were some
10 people that were aggressors?

11 A. There could have been.

12 Q. Of course there could have been. I'm
13 asking what you recall.

14 MR. MILLER: Objection to the form of
15 the question. Asked and answered.

16 A. Yeah. I don't recall that.

17 BY MS. DUGAN:

18 Q. The answer I'm hearing is I don't recall
19 their names. You don't recall at all thinking that
20 there were people who were aggressors?

21 A. I think I actually just said I don't think
22 -- I don't recall thinking of who were the
23 aggressors. I don't recall that offhand.

24 Q. You don't recall high-fiving your officers
25 that they got the aggressors?

1 A. I answered that already and I said I don't
2 recall that.

3 Q. You don't recall that?

4 A. No.

5 Q. Afterwards did you -- after the arrests
6 was there a debriefing?

7 A. More than likely, yes. There usually was
8 on some of those.

9 Q. You don't remember?

10 A. We've had multiple since then. I don't
11 recall the specific debriefs.

12 Q. Do you recall an issue about how the PC
13 reports were going to be prepared and that they were
14 being sent by email?

15 A. That could have been. That would make
16 sense.

17 Q. Was that, like, a form? Was that what was
18 going on?

19 A. What do you mean?

20 Q. Like a pre-filled form and people just put
21 in names and dates and times?

22 A. That could have been. A lot of forms in
23 the department are pre-filled out and you just put
24 in the specific information for that -- that event.

25 Q. Do you recall there was a desire to not

1 let people get to the campus?

2 A. I don't recall which -- no, I don't recall
3 offhand, no.

4 Q. Do you recall who you were with in your
5 vehicle?

6 A. Yeah. I believe I had a couple other
7 officers that were in there. Yeah, I think so.

8 Q. Do you recall their names?

9 A. I think I had Officer Palki and Officer
10 Casey with me in my vehicle.

11 Q. Do you remember any confusion on the radio
12 traffic about whether the curfew was going into
13 effect at 11:00 as opposed to 12:00?

14 A. I don't recall that, no.

15 Q. Do you remember command wanting to try to
16 figure out who the instigators were and try to
17 arrest them?

18 A. Not offhand, no.

19 Q. Do you remember anybody being hostile on
20 the walk from Whole Foods to 12th and Patterson?

21 A. No.

22 Q. Do you remember saying on your body cam
23 video, "you've been warned for hours" -- when one of
24 the people sitting on the ground being arrested was
25 complaining that they lived at 11th and High, a

1 woman, and was wanting to go home, and you said,
2 "you've been warned for hours"?

3 A. Yes.

4 Q. What -- warned of what for hours?

5 A. We've been warning people for hours to go
6 home, to get off the streets.

7 Q. Well, to get out of the downtown area and
8 then for five, ten minutes to get home?

9 A. So I would have been referring to the
10 downtown area.

11 Q. Okay.

12 Well, she was pretty far from the downtown
13 area by then. Correct?

14 A. Well, by then, yeah.

15 Q. So why -- why did you say "you've been
16 warned for hours"?

17 A. I don't know why I said that. You're
18 asking what I was referring to. That's what I was
19 answering.

20 Q. Do you remember a guy who was backing up
21 with his hands up saying, "My glasses got lost. I'm
22 walking back with my hands up"?

23 A. Yes.

24 Q. Do you remember saying, "You're under
25 arrest"?

1 A. Yes, I think I do.

2 Q. Do you remember why you were arresting
3 him?

4 A. I don't recall.

5 Q. Do you recall a fellow named Canseco?

6 A. I wouldn't know him by the name, no. I
7 don't know Mr. Canseco.

8 Q. Do you remember being told by dispatch
9 there was a guy live streaming named Canseco?

10 A. I don't recall that, no.

11 Q. Do you remember a guy with a jacket with
12 the words "Canseco" on the back who got arrested at
13 12th and Patterson?

14 A. No, I don't recall that.

15 Q. Do you remember saying to one of the
16 arrestees, "You were cussing at us, screaming at us.
17 You said 'burn the punk bitch.' I told you to leave
18 and you said 'F.' That's why you're under arrest"?

19 A. I don't recall that. I could have.

20 Q. Do you remember command saying they wanted
21 a scrimmage line at 13th and Alder?

22 A. I don't recall it as a memory, but if it's
23 there, then I'm sure that's what they requested.
24 There was a lot of radio traffic that night.
25 Sometimes you couldn't hear it.

1 MS. DUGAN: Okay. I don't have any
2 further questions.

3 MR. MILLER: Okay. Thank you.

4 MS. DUGAN: Thank you.

5 THE VIDEOGRAPHER: We are going off
6 the record at 2:50 p.m.

7 (The deposition was concluded
8 at 2:50 p.m.)


9 --oOo--

1 State of Oregon)
2 County of Lane) ss.

3
4 I, Sara Fahey Wilson, CSR, a Certified Shorthand
5 Reporter for the State of Oregon, certify that the
6 witness was sworn and the transcript is a true
7 record of the testimony given by the witness; that
8 at said time and place I reported all testimony and
9 other oral proceedings had in the foregoing matter;
10 that the foregoing transcript consisting of 51 pages
11 contains a full, true and correct transcript of said
12 proceedings reported by me to the best of my ability
13 on said date.

14 If any of the parties or the witness requested
15 review of the transcript at the time of the
16 proceedings, such correction pages are attached.

17 IN WITNESS WHEREOF, I have set my hand this 13th
18 day of July 2021, in the City of Eugene, County of
19 Lane, State of Oregon.

20
21
22 

23 Sara Fahey Wilson, CSR

24 CSR No. 06-0400

25 Expiration Date: March 31st, 2023